

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2703 of 1995

SAIYAD ABDUL VIKAR AHMED

Versus

COMPETENT AUTHORITY & ADDL. COLLECTOR (URBAN CEILING)

Appearance:

MR JR NANAVATI for Petitioners

MR MUKESH PATEL, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed of accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No.ULC/1099-602/V1 dated 15th April 1999.

6. It, however, requires to be noted, on the basis

of the record of the present petition, that the petitioners assert that they are in possession of the lands in question, and this assertion is made on the basic fact that they have applied for permission under section 21 of the Act of 1976 as the holders of the said land. Furthermore, ad interim relief first granted in this petition by order dated 5th April 1995 was continued thereafter, directing both sides to maintain status quo with respect to the properties involved in the present petition. This assertion has not been controverted by the respondents by any affidavit-in-reply, nor rebutted by pointing out anything on record. It would, therefore, appear at least from the record of the present petition that the petitioners are in actual and physical possession. I, however, clarify that this is a mere observation and is not to be construed as a finding of fact on any question of fact in controversy between the parties.

7. Rule is accordingly discharged with no order as to costs. Interim relief if any stands vacated.

04.08.1999 (Y.B. BHATT J.)